

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2790 of 1983

Date of decision: 8-8-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

2,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,3

D DUDABHAI RANABHAI

Versus

KODINAR TALUKA CO-OPERATIVE BANKING UNION LTD.,

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Appearance:

MR TUSHAR MEHTA for Petitioners

MR PM RAVAL for Respondent No. 1, 2, 3, 4, 5, 6, 7, 8, 9,10,11,12,  
3,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,3  
,40,41

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/08/96

## ORAL JUDGEMENT

Heard the learned counsel for the parties.

The petitioners filed this writ petition challenging the appointment of respondents No.2 to 41 made by respondent No.1 in various categories of service, i.e. clerks, clerk cum typist and group secretaries. The challenge has been made on the ground that the respondent has made the appointments of the aforesaid persons without following the prescribed procedure. Further prayer has been made by the petitioners that respondent No.1 be directed not to make any appointments to any posts without laying down and prescribing the policy, norms and standards and without interviewing the candidates by any independent and unbiased selection committee.

2. This Court has granted interim relief to the petitioners in terms of para 18(h). Para 18(h) of the petition read as under:

"Pending hearing and final disposal of this petition the first respondent be restrained from making any further appointments of Clerks, Clerk/cum/typists and Group Secretaries or any other posts without laying down and following the prescribed procedure and without giving an opportunity to all the qualified candidates with better qualifications and merits to appear at the interview to be held before the Selection Committee."

The aforesaid interim order was passed by this Court on 16-6-1983.

3. During the last 13 years it is not the case of the petitioners that no appointment has been made and they have not been called for interview. Respondents No.2 to 41 were appointed in the year 1982-83 and they have been working for all these years. At the time of admission of the petition this court has not considered it proper to grant any stay order restraining those persons from working on the respective posts. The grievance of the petitioners is that the appointments were made without prescribing and following any procedure. This grievance is self contradictory. If the appointments are made without prescribing any procedure, then where is the question of not following the prescribed procedure? It appears that the petitioners have not disclosed all the facts. Otherwise there was no justification for making two contradicting grievance.

4. The petitioners have not given out what was the prescribed procedure and what is the illegality which has been committed in not following the same. The petitioners have not made reference even to the relevant bye laws or regulations or circlers of the Society regulating appointments and other service conditions. So far as the other grievance of the petitioners that the appointments should not be made without prescribing the procedure is concerned, suffice it to say that by now rules and byelaws would have been framed if they were not there. In case no byelaws or regulations are framed then it is clarified that in future before making any appointment respondent No.1 shall ensure that rules, regulations or byelaws are framed and followed.

5. In the result this writ petition fails and the same is dismissed. Rule discharged. Interim relief granted earlier by this court stands vacated. No order as to costs.

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